



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

5w

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,493	02/27/2002	Jacquelin A. Vantroostenberghe	Male Urinary System	4926

7590 09/28/2004

DAVID G. HENRY
900 Washington Avenue
P.O. Box 1470
Waco, TX 76701

EXAMINER

BOGART, MICHAEL G

ART UNIT	PAPER NUMBER
----------	--------------

3761

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,493

Applicant(s)

VANTROOSTENBERGHE,
JACQUELIN A.

Examiner

Michael G. Bogart

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings submitted 18 November 2002 are acceptable for examination purposes.
Formal drawings will be required when the application is allowed.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1 line 8 includes the limitation " primary receiver unit being fused" without describing the primary receiver unit is fused to the secondary containment unit as later described in lines 13 and 14 as a "line of fusion" between the units.

Claim 1 recites the limitation "the line of fusion " in line 9. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is suggested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3761

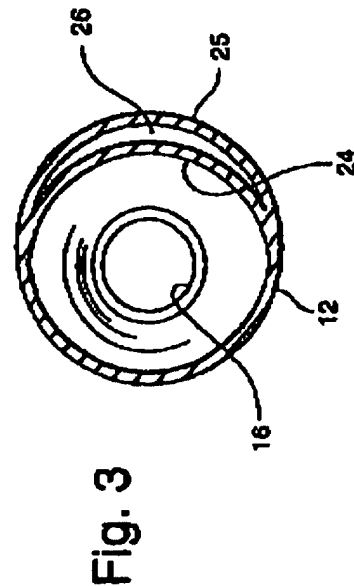
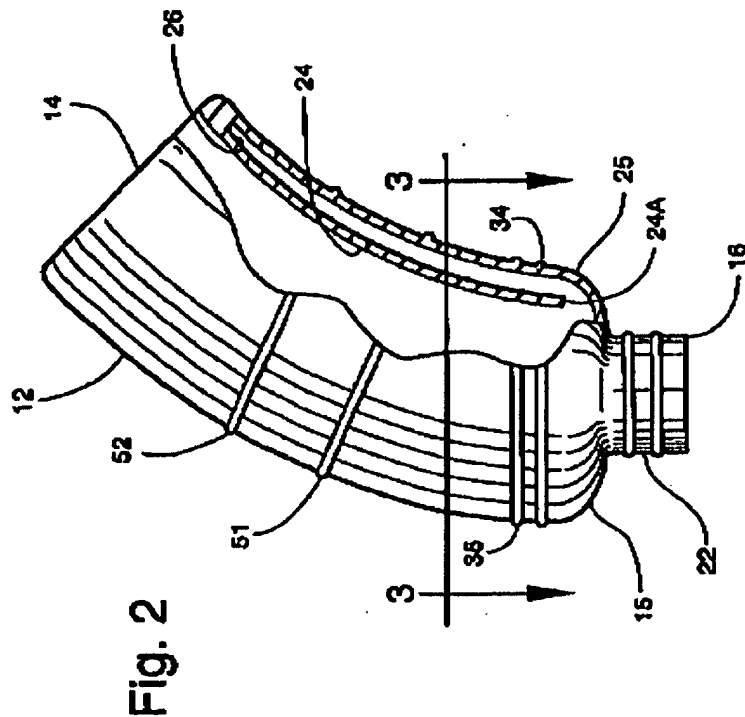
Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Miskie (US 6,679,867 B2).

Miskie teaches a male urinary system comprising:

a penis/urinary collection interface unit (10), said penis/urinary collection interface unit (10) comprising a primary receiver unit (24, 12) for accommodating a male penis during urination, configured for juxtaposition to and temporary seating against the adjacent pubic area and comprised of substantially rigid material (col. 2, lines 50 and 51), and a secondary containment unit (25, 12) in which said primary receiver unit (24, 12) is at least partially nested with proximal margins (14) of said secondary containment unit (25, 12) and primary receiver (24, 12) unit being fused to prevent fluid ingress or egress past the line of fusion (26), said primary receiver unit (24, 12) being positioned relative to said secondary containment unit (25, 12) whereby a gap (26) is formed between the outer surface of said primary receiver unit (24, 12) and the inner surface of said secondary receiver unit (25, 12), said gap (26) extending at least from the distal end (24A) of said primary receiver unit (24, 12) and the said line of fusion (26) between said secondary containment unit (25, 12) and said primary receiver unit (24, 12), said primary receiver unit (24, 12) opening at its distal end (24A) into said secondary containment unit (25, 12) near the distal end (15) of said secondary containment unit (25, 12);

conduit means (16) attached to said distal end (15) of said secondary containment unit (25, 12) for collecting urine flowing from said distal end (24A) of said primary receiving unit (24, 12);

urine receptacle means (18) for receiving urine which flows through and from said conduit (16) (see figs. 2 and 3, below).



Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached Monday-Friday.

In the event the examiner is not available, the examiner's supervisor, Larry Schwartz may be reached at phone number (703) 308-1412. The fax phone numbers for the organization where

Art Unit: 3761

this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 746-3380 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.



Michael Bogart
20 September 2004



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700